

HOUSE BILL 391

A2

01r2252

By: **Delegates Lafferty, Frank, and Aumann**

Introduced and read first time: January 28, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Towson Commercial Revitalization District – Alcoholic**
3 **Beverages Licenses – Restaurants**

4 FOR the purpose of lowering in the Towson Commercial Revitalization District in
5 Baltimore County the minimum amount of capital investment required for
6 certain restaurants for which certain alcoholic beverages licenses may be
7 transferred and new licenses issued; altering the food sales and seating capacity
8 requirements for certain restaurants; reducing the time by a certain amount
9 that an applicant for transfer must wait under certain circumstances; and
10 generally relating to alcoholic beverages licenses for restaurants in Baltimore
11 County.

12 BY repealing and reenacting, without amendments,
13 Article 2B – Alcoholic Beverages
14 Section 8–204.3(a) and (b)(1)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 8–204.3(d)(3) and (5) and (f)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2009 Supplement)

22 BY repealing
23 Article 2B – Alcoholic Beverages
24 Section 8–204.3(e)
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2009 Supplement)

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 2B – Alcoholic Beverages
 2 Section 8–204.3(e)
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2009 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article 2B – Alcoholic Beverages**

8 8–204.3.

9 (a) This section applies only in Baltimore County.

10 (b) (1) Notwithstanding the license population quota limitations of the
 11 Board of Liquor License Commissioners and in addition to the licenses authorized for
 12 issuance in Baltimore County, the Board of Liquor License Commissioners may
 13 authorize the transfer into the Towson Commercial Revitalization District, as defined
 14 by the Baltimore County Council, of not more than 10 beer, wine and liquor (on-sale)
 15 licenses that:

16 (i) Were issued on or before December 31, 2008;

17 (ii) Are in existence in Election District 15 of Baltimore County
 18 on June 1, 2009; and

19 (iii) Are valid on the date of transfer.

20 (d) (3) **[The] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(II) OF THIS**
 21 **SECTION, THE** restaurant operation shall maintain average daily receipts from the
 22 sale of food at least 65% of the total daily receipts of the restaurant.

23 (5) **[The] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(III) OF**
 24 **THIS SECTION, THE** area dedicated to the restaurant operation shall have a minimum
 25 seating capacity of 100 persons.

26 **[(e) An applicant for transfer of a Class B or Class D license and issuance of a**
 27 **Class B (B, W, L) (TCRD) license shall demonstrate to the Board of Liquor License**
 28 **Commissioners that the restaurant has a minimum capital investment of \$500,000,**
 29 **excluding the cost of the land and building shell.]**

30 **(E) OF THE RESTAURANTS FOR WHICH A CLASS B OR CLASS D LICENSE**
 31 **MAY BE TRANSFERRED AND A CLASS B (B, W, L) (TCRD) MAY BE ISSUED**
 32 **UNDER SUBSECTION (B)(1) OF THIS SECTION, THE BOARD OF LIQUOR LICENSE**
 33 **COMMISSIONERS MAY REQUIRE THAT:**

1 **(1) FOR NOT MORE THAN SEVEN RESTAURANTS, APPLICANTS FOR**
2 **LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A MINIMUM CAPITAL**
3 **INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF**
4 **\$500,000; AND**

5 **(2) FOR NOT MORE THAN THREE RESTAURANTS:**

6 **(I) APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE**
7 **DEMONSTRATE A MINIMUM CAPITAL INVESTMENT, EXCLUDING THE COSTS OF**
8 **THE LAND AND BUILDING SHELL, OF \$50,000;**

9 **(II) THE RESTAURANT OPERATION SHALL MAINTAIN**
10 **AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 70% OF THE**
11 **TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**

12 **(III) THE AREA DEDICATED TO THE RESTAURANT**
13 **OPERATION SHALL HAVE A MAXIMUM SEATING CAPACITY OF 100 PERSONS BUT**
14 **NO MINIMUM SEATING REQUIREMENT.**

15 (f) The Board of Liquor License Commissioners shall deny an application for
16 transfer of a Class B or Class D license and issuance of a Class B (B, W, L) (TCRD)
17 license if within [2 years] **1 YEAR** immediately preceding the application:

18 (1) (i) The applicant was a holder of an on-sale license issued
19 under this article within the boundaries of the Towson Commercial Revitalization
20 District; or

21 (ii) There was an on-sale license in existence for the proposed
22 premises of the applicant; and

23 (2) The previous on-sale license was transferred to premises outside of
24 the Towson Commercial Revitalization District.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 June 1, 2010.